

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DALE DELMAR HESS,

Defendant.

4:14-CR-3139

PRELIMINARY ORDER OF
FORFEITURE

This matter is before the Court on the plaintiff's Motion for Issuance of Preliminary Order of Forfeiture (filing [33](#)). Count II of the indictment in this case (filing [1](#)) charged the defendant with knowingly possessing a visual depiction of a minor engaging in sexually explicit conduct, in violation of [18 U.S.C. § 2252\(a\)\(4\)\(B\)](#). The indictment contained a forfeiture allegation that sought the forfeiture, pursuant to [18 U.S.C. § 2253](#), of:

- A Toshiba Satellite C55-A5286 Laptop, Serial #8D137529Q;
- An Acer Aspire 5517 Laptop;
- A Western Digital 250 GB hard drive (from Acer);
- A Toshiba External hard drive;
- A Seagate External hard drive;
- A Western Digital My Passport External hard drive;
- 14 Flash/Thumb drives;
- 1 Samsung SCH-U365 Gusto II flip-style cellular Phone;
- 429 CDs; and
- 11 boxes of printed child pornography images.

The defendant has pled guilty to Count II of the indictment and admitted the forfeiture allegation. Filings [27](#) and [34](#). By virtue of pleading guilty to the charge and admitting the forfeiture allegation, the defendant has forfeited his interest in the property, and the plaintiff should be entitled to possession of the property pursuant to [18 U.S.C. § 2253](#). Therefore, the plaintiff's motion for preliminary order of forfeiture is granted.

IT IS ORDERED:

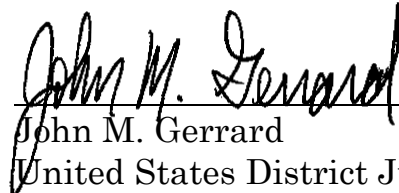
1. The plaintiff's Motion for Issuance of Preliminary Order of Forfeiture (filing [33](#)) is granted.
2. Based upon the defendant's guilty plea and admission of the forfeiture allegation of the indictment, the plaintiff is authorized to seize the
 - Toshiba Satellite C55-A5286 Laptop, Serial #8D137529Q;
 - Acer Aspire 5517 Laptop;
 - Western Digital 250 GB hard drive (from Acer);
 - Toshiba External hard drive;
 - Seagate External hard drive;
 - Western Digital My Passport External hard drive;
 - 14 Flash/Thumb drives;
 - 1 Samsung SCH-U365 Gusto II flip-style cellular Phone;
 - 429 CDs; and
 - 11 boxes of printed child pornography images.
3. The defendant's interest in the property is forfeited to the plaintiff for disposition in accordance with law, subject to the provisions of [18 U.S.C. § 2253](#).
4. The property is to be held by the plaintiff in its secure custody and control.
5. Pursuant to [18 U.S.C. § 2253](#), the plaintiff shall publish for at least 30 consecutive days on an official Internet government forfeiture site (www.forfeiture.gov) notice of this order, notice of publication evidencing the plaintiff's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the property must file a petition with the Court within 30 days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. Such published notice shall state that the petition referred to in paragraph 5, above, shall be for a hearing to

adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the property and any additional facts supporting the petitioner's claim and relief sought.

7. The plaintiff may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a final order of forfeiture pursuant to [18 U.S.C. § 2253](#), in which all interests will be addressed.

Dated this 30th day of July, 2015.

BY THE COURT:



John M. Gerrard
United States District Judge